UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,915	06/14/2001	William Kress Bodin	AUS920010502US1	8357

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INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/881,915	BODIN ET AL.
	Examiner	**Art Unit**	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 06262005

DETAILED ACTION

1.   Claims 1-36 are presented for examination.

Response to Arguments

2.   Applicant's arguments filed 12/16/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-36 is maintained.

Applicant argues (1), "cited references, i.e., Application Server Solution Guide, Enterprise Edition: Getting Started, Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum), and Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page 1-66, 109- 135, 173-178 (Hereinafter Sun), do not contain a suggestion, or motivation to modify or to combine with each other. The examiner respectfully disagrees in response to applicant's arguments. In response to the references containing a suggestion, or motivation to modify or to combine with each other, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinally skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). Nusbaum teaches a method, a system and a computer program product to implement remote direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) the method implemented upon a network of

digital computers (e.g., figure 5, page 13), at least one of the digital computers comprising a

content server upon which the steps of the method are implemented (e.g., section 1.2.4, page 6,

section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) in computer memory and at least one

computer processor (e.g., server containing web content, page 13) the method comprising the

steps of: receiving digital content from the sources (e.g., section 1.2.4, page 6, section 2.1.1.1,

pages 31 and 32, section 8.1.8, page 417) receiving, from a remote director, and storing in

computer memory, remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages

31 and 32, section 8.1.8, page 417), the remote director instructions including instructions for

selections of digital content for inclusion in an output streaming (e.g., section 1.2.4, page 6,

section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417); carrying out the remote director

instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page

417). Sun teaches well known concept of streaming digital content and transcoding (e.g.,

transcoding the video contents, page 33) into digital content having streaming format objects and

the digital content having a multiplicity of digital formats (e.g., streaming media, page 4, MPEG,

JPEG, etc., video formatted content, page 6). With the combined teachings of Nusbaum and

Sun, a person of ordinary skill in the art, would utilize the concept of transcoding to transform

the digital information using the digital formats. The digital formats would help provide

information on how the digital information needs to be handled by the software. The digital data

would be used for streaming information to/from the user using streaming digital formats.

Therefore, the rejection is maintained.

    Applicant argues (2), "cited references, i.e., Nusbaum and Sun do not contain a

suggestion of any expectation of success". The examiner respectfully disagrees in response to

applicant's arguments. In response to the references containing a suggestion of any expectation

of success, the test for obviousness is not whether the features of a secondary reference may be

bodily incorporated into the structure of a primary reference. It is also not that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the test is what

the combined teachings of the references would have suggested to those of ordinally skill in the

art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d

588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The claimed subject matter accomplishes a

method, a system, a computer software product of remote direction of streaming digital content

from a mutiplicity of sources of digital information to a multiplicity of client devices. Nusbaum

teaches a method, a system and a computer program product to implement remote direction (e.g.,

figure 5, page 13) of handling information from a multiplicity of sources of digital information to

a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32,

section 8.1.8, page 417) the method implemented upon a network of digital computers (e.g.,

figure 5, page 13), at least one of the digital computers comprising a content server upon which

the steps of the method are implemented (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31

and 32, section 8.1.8, page 417) in computer memory and at least one computer processor (e.g.,

server containing web content, page 13) the method comprising the steps of: receiving digital

content from the sources (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section

8.1.8, page 417) receiving, from a remote director, and storing in computer memory, remote

director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8,

page 417), the remote director instructions including instructions for selections of digital content

for inclusion in an output streaming (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32,

section 8.1.8, page 417); carrying out the remote director instructions (e.g., section 1.2.4, page 6,

section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417). Sun teaches well known concept of

streaming digital content and transcoding (e.g., transcoding the video contents, page 33) into

digital content having streaming format objects and the digital content having a multiplicity of

digital formats (e.g., streaming media, page 4, MPEG, JPEG, etc., video formatted content, page

6). With the combined teachings of Nusbaum and Sun, a person of ordinary skill in the art,

would utilize the concept of transcoding to transform the digital information using the digital

formats. The digital formats would help provide information on how the digital information

needs to be handled by the software. The digital data would be used for streaming information

to/from the user using streaming digital formats. The combined teachings of Nusbaum and Sun

would support implementing all claimed limitations to accomplish a method, a system, a

computer software product of remote direction of streaming digital content from a mutiplicity of

sources of digital information to a multiplicity of client devices. Therefore, the rejection is

maintained.

Applicant argues (3), "the combined teachings of cited references, i.e., Nusbaum and Sun

do not disclose, teach or suggest all of applicant's claimed limitations, in particular, remote

direction of streaming digital content, remote directors, or remote director instructions. The

examiner respectfully disagrees in response to applicant's arguments. Nusbaum and Sun teach

the claimed limitations, remote direction of streaming digital content (e.g., streaming media as

per remote instruction, page 4, MPEG, JPEG, etc., video formatted content, page 6, Sun), remote

directors (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417,

Nusbaum) or remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31

and 32, section 8.1.8, page 417, Nusbaum). The claim is open-ended (comprising), and page 24,

lines 16-21 of the specification, clearly states, "It will be understood from the foregoing

description that various modifications and changes may be made in embodiments of the present

invention without departing from its true spirit. All exemplary embodiments described in this

specification are mere examples, not limiting definitions of the invention. It is intended that

descriptions in this specification are only for purposes of illustration and are not to be construed

in a limiting sense. The scope of this invention should be limited only by the language of the

following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly

reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is

maintained.

　　　　Applicant argues (4), "Nusbaum, is Non-analogous Art, not in the same field of endeavor

as the present application, is not reasonably pertinent to the particular problem with which the

inventor was concerned, and teaching away from the claims". The examiner respectfully

disagrees. As per the claimed invention, the applicant dislcoses, a method / a system / computer

program product to implement remote direction of handling information (streaming digital

content) from a multiplicity of sources of digital information to a multiplicity of client devices.

Nusbaum teaches a method, a system and a computer program product to implement remote

direction (e.g., figure 5, page 13) of handling information from a multiplicity of sources of

digital information to a multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1,

pages 31 and 32, section 8.1.8, page 417), which is the same field of endeavor. In response to

applicant's argument that Nusbaum is nonanalogous art, it has been held that a prior art reference

must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the

particular problem with which the applicant was concerned, in order to be relied upon as a basis

for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed.

Cir. 1992). In this case, a method / a system / computer program product to implement remote

direction of handling information (streaming digital content) from a multiplicity of sources of

digital information to a multiplicity of client devices is similar to Nusbaum's teachings of a

method, a system and a computer program product to implement remote direction (e.g., figure 5,

page 13) of handling information from a multiplicity of sources of digital information to a

multiplicity of client devices (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section

8.1.8, page 417). The streaming digital content and transcoding are well known in the art, for

example Sun discloses streaming digital content and transcoding (e.g., transcoding the video

contents, page 33). Hence, the combined teachings of Nusbaum and Sun teach what the claims

accomplish. The claim is open-ended (comprising), and page 24, lines 16-21 of the

specification, clearly states, "It will be understood from the foregoing description that various

modifications and changes may be made in embodiments of the present invention without

departing from its true spirit. All exemplary embodiments described in this specification are

mere examples, not limiting definitions of the invention. It is intended that descriptions in this

specification are only for purposes of illustration and are not to be construed in a limiting sense.

The scope of this invention should be limited <u>only by the language</u> of the following claims".

Since, applicant's claims contain <u>broadly claimed subject matter</u>, it clearly reads upon the

examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-36 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-22 of copending

Application No.09/882174. Although the conflicting claims are not identical, they are not

patentably distinct from each other because the limitations of independent claims 1, 13, 26 are

similar to claim 1 of copending Application No. 09/882174. The limitations, "remote direction

of streaming digital content from a content server to a client devices using remote director" is

equivalent to the use of content information, transcoding gateway for providing director

instructions to stream digital content, and the use of email containing digital content. The

limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-22 of copending

Application No. 09/882174. The copending application handles transcoding information using

the network device. The current application also handles transcoding information using the

network device. The claimed subject matter of the copending application does not mention

about the transcoding being done using remote director instructions. However, the concept of

using remote director instructions is well known in the art. For example, Nusbaum discloses

usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2,

pages 1 and 2). The remote director instructions would help provide instructions to perform the

transcoding from a remote device. A person of ordinary skill in the art, would use the well

known remote director instructions for transcoding and would conclude that claims 1-36 in the

present case are obvious in view of claims 1-22 of copending application number 09/882174.

   This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

4.   Claims 1-36 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 10-15 of copending

Application No.09/881919. Although the conflicting claims are not identical, they are not

patentably distinct from each other because the limitations of independent claims 1, 13, 26 are

similar to claim 10 of copending Application No. 09/881919. The limitations, "remote direction

of streaming digital content from a content server to a client devices using remote director" is

equivalent to the use of a content server through which digital content is transcoded into streams

of multimedia data, the streams communicated via network to client devices, use of the digital

content for streaming, use of remote director instructions comprising hyperlinked URLs invoked

through a network-capable device. The limitations of dependent claims 2-12, 14-23, 26-36, are

similar to claims 11-15 of copending Application No. 09/881919. The copending application

handles transcoding information using the network device. The current application also handles

transcoding information using the network device. The claimed subject matter of the copending

application does not mention about the transcoding being done using remote director

instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 10-15 of copending application number 09/881919.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5.   Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No.09/881917. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 1 of copending Application No. 09/881917. The limitations, "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices, use of network of digital computers comprising a content server. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-20 of copending Application No. 09/881917. The copending application handles transcoding information using the network device. The current application also handles transcoding information using the network device. The claimed subject matter of the copending application

does not mention about the transcoding being done using remote director instructions. However, the concept of using remote director instructions is well known in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions would help provide instructions to perform the transcoding from a remote device. A person of ordinary skill in the art, would use the well known remote director instructions for transcoding and would conclude that claims 1-36 in the present case are obvious in view of claims 1-20 of copending application number 09/881917.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6.   Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No.09/882173. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 13, 26 are similar to claim 1 of copending Application No. 09/882173. The limitation "remote direction of streaming digital content from a content server to a client devices using remote director" is equivalent to the use of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices upon a network of digital computers comprising a content server receiving digital content from the sources and the digital content having a multiplicity of digital formats. The limitations of dependent claims 2-12, 14-23, 26-36, are similar to claims 2-11 of copending Application No. 09/882173. The copending

application handles transcoding information using the network device. The current application

also handles transcoding information using the network device. The claimed subject matter of

the copending application does not mention about the transcoding being done using remote

director instructions. However, the concept of using remote director instructions is well known

in the art. For example, Nusbaum discloses usage of remote director instructions (e.g., servlet

aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2). The remote director instructions

would help provide instructions to perform the transcoding from a remote device. A person of

ordinary skill in the art, would use the well known remote director instructions for transcoding

and would conclude that claims 1-36 in the present case are obvious in view of claims 1-11 of

copending application number 09/882173.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Drawings

7.   The formal drawings submitted on 12/16/2004 are acknowledged.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 1, 2, 4-14, 16-26 and 28-36, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Application Server Solution Guide, Enterprise Edition: Getting Started,

Nusbaum, May 2000, Nusbaum et. al., pages 1-45, 416-434 (Hereinafter Nusbaum) in view of

Java Media Framework API Guide, JMF 2.0 FCS, November 19, 1999, Sun Microsystems, page

1-66, 109- 135, 173-178 (Hereinafter Sun).

10.   As per claims 1, 13 and 25, Nusbaum teaches a method, a system and a computer

program product to implement remote direction (e.g., figure 5, page 13) of handling information

from a multiplicity of sources of digital information to a multiplicity of client devices (e.g.,

section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) the method

implemented upon a network of digital computers (e.g., figure 5, page 13), at least one of the

digital computers comprising a content server upon which the steps of the method are

implemented (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page

417) in computer memory and at least one computer processor (e.g., server containing web

content, page 13) the method comprising the steps of: receiving digital content from the sources

(e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417) receiving,

from a remote director, and storing in computer memory, remote director instructions (e.g.,

section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417), the remote

director instructions including instructions for selections of digital content for inclusion in an

output streaming (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page

417); carrying out the remote director instructions (e.g., section 1.2.4, page 6, section 2.1.1.1,

pages 31 and 32, section 8.1.8, page 417), wherein carrying out the remote director instructions

further comprises:

selecting, in dependence upon the remote director's instructions, digital content for

inclusion in an output stream (e.g., section 1.2.4, page 6);

in dependence upon the remote director's instructions handling the digital content from

sources (e.g., section 2.1.1.1, pages 31 and 32);

including in an output streaming, in dependence upon the remote director's instructions,

digital content (e.g., section 1.2.4, page 6);

communicating, in dependence upon the remote director's instructions, to at least one of

the client devices the output stream (e.g., section 1.2.4, page 6).

However, Nusbaum does not specifically mention about streaming digital content and

transcoding into digital content having streaming format objects and the digital content having a

multiplicity of digital formats.

Sun teaches streaming digital content and transcoding (e.g., transcoding the video

contents, page 33) into digital content having streaming format objects and the digital content

having a multiplicity of digital formats (e.g., streaming media as per remote instruction, page 4,

MPEG, JPEG, etc., video formatted content, page 6).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Nusbaum with the teachings of Sun in order to facilitate

transforming of the objects and using the digital formats for streaming digital content because

transforming would help transform the digital information using the digital formats. The digital

formats would help provide information on how the digital information needs to be handled by

the software. The digital data would be used for streaming information to/from the user using

streaming digital formats.

11.   As per claims 2, 14, 26, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

    the client devices comprise client device attributes, said transcoding further comprising

transcoding in dependence upon the client device attributes (e.g., Section 1.3.1.2, page 10).

12.   As per claims 4, 16, 28, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

    the remote director comprises a personal computer coupled through a network to the

content server (e.g., figure 1, page 2, figure 3, page 9), the method further comprising: sending

from the remote director to the content server remote director instructions (e.g., servlet aliases,

servlet URLs, sections 1.1 and 1.2, pages 1 and 2), further comprising involving through URLs

displayed on a terminal of the remote director member methods in servlets installed on the

content server (e.g., servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

13.   As per claims 5, 17, 29, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

    invoking through each URL a single member method in a servlet (e.g., servlet aliases,

servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

14.   As per claims 6, 18, 30, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

the single member method is programmed to carry out a single remote director

instruction (e.g., use of servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

15.   As per claims 7, 19, 31, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

the single member method is implemented as a Java thread-level URL dispatch routine

(e.g., implementation of servlet aliases, servlet URLs, sections 1.1 and 1.2, pages 1 and 2).

16.   As per claims 8, 20, 32, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

the remote director instruction comprises an instruction to select for transcoding and

streaming digital content from a specific source (e.g., specific source referred by servlet URL,

servlet aliases, sections 1.1 and 1.2, pages 1 and 2, figure 3, page 9).

17.   As per claims 9, 21, 33, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

registering a user for a service, the service identified by a service identification code, the

service comprising at least one output stream (e.g., section 1.2.4, page 6, section 2.1.1.1, pages

31 and 32, section 8.1.8, page 417);

logging in the user for the service, logging in the user further comprising assigning values

to user login attributes, the user login attributes comprising user identification, device type,

network address, and a tier (e.g., section 8.1.8.1, page 417),

assigning a tier value in dependence upon the device type and the service identification

code (e.g., section 8.1.8, page 417);

wherein the selections are dependent upon the tier (e.g., section 8.1.8.1, page 417),

wherein transcoding further comprises transcoding in dependence upon the tier (e.g.,

section 8.1.10, page 420); and

wherein communicating to at least one of the client devices the output stream further

comprises communicating the output stream to the network address (e.g., section 4.1.5.3, page

119).

18.   As per claims 10, 22, 34, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

creating a service registration record comprising service registration attributes comprising

user id, service id and service subscription level; and assigning a tier value further comprises

assigning a tier value in dependence upon the service subscription level (e.g., section 7, page

363).

19.   As per claims 11, 23, 35, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

registering a user for an event, the event identified by an event identitication code, the

event comprising at least one output stream, at least one source, a start date and a start time (e.g.,

section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417);

logging in the user for the event, logging in the user further comprising assigning values

to user login attributes, the user login attributes comprising user identification, device type,

network address, and a tier; (e.g., section 8.1.8.1, page 417),

assigning a tier value in dependence upon the device type and the event identification

code (e.g., section 8.1.8, page 417);

wherein the selections are dependent upon the tier (e.g., section 8.1.8.1, page 417),

wherein transcoding further comprises transcoding in dependence upon the tier (e.g.,

section 8.1.10, page 420); and

wherein communicating to at least one of the client devices the output stream further

comprises communicating the output stream to the network address (e.g., section 4.1.5.3, page

119).

20.   As per claims 12, 24, 36, Nusbaum and Sun teach the claimed limitations as rejected

above. Nusbaum also teaches the following:

registering a user further comprises creating an event registration record comprising

event registration attributes comprising user id, event id, event subscription level, start date, and

start time (e.g., section 1.2.4, page 6, section 2.1.1.1, pages 31 and 32, section 8.1.8, page 417);

and

assigning a tier value further comprises assigning a tier value in dependence upon the

event subscription level (e.g., section 8.1.8, page 417).

21.   Claims 3, 15, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nusbaum in view of Sun and in further view of "Official Notice".

22.   As per claims 3, 15, 27, Nusbaum and Sun teaches the claimed limitation as rejected

under claims 2, 14 and 26. Nusbaum and Sun also discloses that the transforming of client

device attributes. However, Nusbaum and Sun does not specifically mention about client device

attributes including device type, screen size, frame rate, and audio status. "Official Notice" is

taken that both the concept and advantages of providing client device attributes include device

type, screen size, frame rate, and audio status is well known and expected in the art.

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to include client device attributes include device type, screen size, frame rate, and

audio status with the teachings of Nusbaum and Sun in order to facilitate transcoding of the

client device attributes, i.e., device type, screen size, frame rate, and audio status because the

client device attributes would help provide inforamation which would be used for transcoding.

The software used for transcoding would transcode the information. The transcoded information

would help provide digital information to the user.

                                    Conclusion

23.   The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and

not relied upon is considered pertinent to applicant's disclosure.

        THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

June 26, 2005

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100